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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,815	11/30/2000	Hideaki Yui	35.C15025	8732

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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RAMAN, USHA

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/725,815

Applicant(s)

YUI ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,10,15-17,20,25,32,33,39 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,15-17,20,25,32,33,39 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Information Disclosure Statement***

1. A copy of Form PTO-1449, enclosed with the information disclosure statement filed on February 5<sup>th</sup>, 2001 is missing and therefore has not been considered. Applicant is requested to re-submit another copy of the PTO-1449 Form filed on February 5<sup>th</sup>, 2001

***Response to Arguments***

2. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

3. Claim 15 and 25 are objected to because of the following informalities: "wherein the control unit judges whether the type of broadcasting service for the selected program on the second program table is compatible...". The antecedent for 'the selected program' in claim 1 indicates it the program corresponding to the first program information by the user and not information from the 'second program table' including information transmitted by another user. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 10, 20, 25, 32, 33, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775) and Lawler (US Pat. 5,758,259).

With regards to claim 1, 33, and 39 Yoshinobu discloses a receiving apparatus comprising:

Receiving unit for receiving a broadcasting signal (column 13, lines 14-21, and lines 26-53) in which of a plurality of programs and program guide information are multiplexed (column 8, lines 1-47, column 31, lines 45-55);

Extraction unit for extracting program guide information from the broadcasting signal received by the receiving unit (column 13, lines 5-15, lines 45-53);

Selecting unit for selecting by a user using a first program guide table based on the program guide information extracted by the extraction unit (see figure 15, column 20, lines 40-67), a program corresponding to first program information from the plurality of programs (column 13, lines 45-53);

Yoshinobu fails to disclose an input unit for inputting by the user, second program information regarding the selected program including a recommendation index indicating a recommendation degree, an integrating unit for integrating the first and second program information, a transmitting unit for transmitting the integrated program information as a recommendation the integrated program information as recommendation guide information to an external apparatus that is accessible by another user, and displaying recommendation guide information including a recommendation index transmitted by another user in the second program table.

Finseth discloses a system for sharing viewer preference information with other users, thereby informing other users of a program the first user is watching by transmitting an information about a program and comments about the program (see column 12, lines 32-36), the system comprising

Input means (keyboard, remote control) for inputting by the user, second program information (comments or notes) regarding the selected program (see column 12, lines 32-36);

The system comprises "integrating means" for integrating the first (attributes of the program) and second program (user comments on the program) information since both of the information are transmitted from the sender and received at the receiver integrally. See column 12 lines 34-38 and column 14, lines 55-58.

Transmitting means (interface 82) for transmitting the integrated program information as recommendation guide information (viewing preference information) to an external apparatus (receiver of the recipient), which is accessible by another user (recipient). See column 12, lines 42-46.

In a similar field of endeavor, Lawler discloses a second table generation means for generating second program table (recommendation table) in accordance with recommended guide information. See fig, 3B. The recommendation information further comprises recommendation index transmitted by another user. See column 9, lines 63-67, column 10, lines 1-5.

It would have been ordinary to one of ordinary skill in the art at the time of the invention to modify the system of Yoshinobu in view of Finseth and Lawler, by

allowing a user to transmit preference information about a program he/she is watching in an email message, the preference information further including a recommendation degree, thereby allowing the user to transmit additional notes in recommending the program to the second user having high preferences in similar categories.

With regards to claim 2, the television broadcasting signal of the modified system is further multiplexed with program attribute data (See Yoshinobu: column 8, lines 38-67, column 11, lines 40-25) of the plurality of programs, said integration means includes means for integrating the selected program with the first and second program information (See Finseth: column 12, lines 19-23 and lines 30-35, attributes are stored in sub-history table, and the history table containing attributes shared with other users).

With regards to claim 4, the second program information of the modified system includes arbitrary comment information. See Finseth, column 12, lines 32-38.

With regards to claim 10, the transmitting means (Interface card 82) transmits the output file (i.e. viewing preference information) comprising the integrated program information to a network (such as the Internet) connected to the receiving means (see Finseth: column 12, lines 42-46).

With regards to claim 20, the modified system shows the program table generating means generates a two-dimensional program table having a broadcasting time as one axis and a channel as the other axis (see Yoshinobu: fig.

15). Furthermore, the modified system discloses the step of displaying contents of a shared preference (see Finseth: column 2, lines 19-21) the recommendation indication based on a recommendation index (inputted by use in preference profile, see Lawler: column 9, lines 63-64).

With regards to claim 25, the modified system selecting program from second program table from a plurality of programs contained in the second program guide, and further comprising processing unit for processing the video signal of the selected program (see Lawler: figure 3B and column 5, lines 1-20), and further comprising signal processing unit for processing the information signal of a video signal of a program selected (Yoshinobu: col. 22 lines 54-60, col. 23 lines 60-67,).

With regards to claim 32, Yoshinobu shows an output means for outputting the video signals received by said receiving means and data of the first and second program tables generated by said program table generating unit to a display device (figs. 15-19, col. 22 lines 50-54, processing section for display on CRT).

With regards to claim 45, the receiving apparatus is selected from the group consisting of a WWW server, another receiving apparatus, and an external recording medium (see Finseth column 13, lines 29-31)

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954), in view of Finseth (US Pat. 6,813,775) Lawler (US Pat. 5,758,259) and Cooper et al. (US Pre Grant Pub. 2004/0231003).

With regards to claim 15, the modified system fails to disclose the step of a control means judging whether a service for the selected program is compatible with

the broadcast service, and outputting an incompatibility message if the type is incompatible.

Cooper discloses a system of sharing viewing recommendations comprising control means for judging whether the receiving means can receive the selected program (see Cooper: [0050], [0051], [0047]; (see Cooper: fig. 6, message 600 e.g. the recommended program "Friends" is not available in FOX for user at 600b, however, the program guide indicates "Friends" on another network, and therefore the guide at 600b is highlighted to reflect the recommended program). Cooper looks the recommended program in various networks to find if it is airing in another network. Examiner further takes official notice that it is well known to display an alert to the user notifying that the service is unavailable.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Cooper by checking the compatibility of a recommended program at the recipient to determine if the recommended program is on an available channel and display service unavailable alert to the user to let them know they cannot tune to the recommended program.

7. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775), Lawler (US Pat. 5,758,259) and Cooper et al. (US Pre Grant Pub. 2004/0231003) as applied to claim 15 above, and further in view of Schein et al. (US Pat. 6,002,394)



With regards to claim 16, the modified system comprises a "Pay" tab on the selection menu (see Yoshinobu: fig. 15), however fails to specifically state using a pay per view program selection means.

Schein shows a pay per view program means and control means for controlling the pay per view information (column 24, lines 40-67, pay per view programs).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system with a pay per view selection as shown by Schein so that a user could order premium programming at a price per viewing.

With regards to claim 17, the modified system fails to show restriction information of the selected program and control means for restricting the program in accordance with the information.

Schein shows the ability to require a user to enter a password for certain restricted programs, effectively restricting the program to people who do not have the password (fig. 18c, col. 23 lines 1-18, entering password to allow viewing of selected program).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system with the restricted access, as shown by Schein, so that a user could prevent unauthorized viewing of certain programs.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER